THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 28109 of 2005

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Dated 02-01-2006

Between:

L. Suresh Kumar, S/o. P. Laxmanna,
R/o. 1416, Sudram Govt Colony, Jeedimetla, R.R.District.

..... PETITIONER

AND

The Addl. Industrial Tribunal-cum-Additional Labour Court, 1st Floor, Chandravihar Bldgs, M.J.Road, Nampally Road,
Rorad, rep. by its Presiding Officer.

.....RESPONDENT(S)

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.No.28109 of 2003

ORDER:

The petitioner is employed as a Driver in the Jeedimetla Depot of A.P.S.R.T.C. On 08-03-1993, he was driving a Bus on the route from Secunderabad to Jeedimetla. At 7:30 a.m., a girl of 8 years old, was crushed to death, under the wheels of the Bus, driven by him, and she died on the spot. After conducting departmental enquiry, the Depot Manager, the 2nd respondent herein, terminated the services of the petitioner, through orders dated 21-08-1993. After exhausting the remedies of appeal and review, the petitioner raised an industrial dispute, before the Additional Industrial Tribunal-cum-Labour Court, Hyderabad, and the same was taken up, as I.D.No.815 of 1999. Through its award dated 01-11-2001, the Labour Court directed reinstatement of the petitioner with continuity of service, but denied the backwages

and other attendant benefits. The petitioner challenges the award of the Labour Court, in so far as it denied the backwages and other attendant benefits.

Sri A. Thirupathi Reddy, learned counsel for the petitioner submits that the Labour Court recorded a finding to the effect that the management failed to establish that the petitioner was guilty of misconduct, or rash and negligent driving, and in that view of the matter, it ought to have extended all the benefits, including the backwages.

Learned Standing Counsel, on the other hand, submits that, having regard to the fact that a small girl of 8 years old died,
on account of the rash and negligent driving of the petitioner,
it cannot be said that the petitioner was denied of, any reliefs, which he is entitled, in law.

It is a matter of record that an eight years old girl died under the wheels of the Bus, driven by the petitioner, at 7:30 a.m.,
on 08-03-1993. The record discloses that the right side of the Bus hit the girl. It means that the girl was very much in the gaze of the Driver, and he ought to have taken proper care.

The Labour Court appears to have been guided, mostly by the acquittal of the petitioner in C.C.No.799 of 1993. It also took into account the evidence of two witnesses. Obviously, because there was some ambiguity about the actual role attributable to the petitioner, the Labour Court directed his reinstatement. However, inasmuch as the fact that a girl of 8 years old died, under wheels of the Bus, driven by the petitioner; is not in dispute, the Labour Court maintained a balance, between extending the relief to the petitioner, on the one hand, and making him to suffer, to certain extent, on account of the negligence, on the other hand.

This Court does not find any basis to interfere with the award passed by the Labour Court. The Writ petition is accordingly dismissed. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.02-01-2006.

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